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## HOUSE RESOLUTION

ESTABLISHING A WORKING GROUP TO STUDY, REVIEW, AND REVISE THE  
DEFINITION OF MURDER IN THE FIRST DEGREE.

1 WHEREAS, under existing law in Hawaii, the killing of a  
2 person in an especially heinous, atrocious, or cruel manner,  
3 manifesting exceptional depravity, does not necessarily  
4 constitute murder in the first degree; and  
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6 WHEREAS, although a conviction for murder in the second  
7 degree that involved heinous, atrocious, or cruel conduct may  
8 warrant enhanced sentencing, the decision to pursue enhanced  
9 sentencing lies within the discretion of the prosecutor or the  
10 court and requires an entirely separate post-conviction hearing;  
11 and  
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13 WHEREAS, several other states automatically classify  
14 killing another person under these types of circumstances as  
15 murder in the first degree; and  
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17 WHEREAS, such a classification is intended to punish the  
18 perpetrator and to deter others from committing these types of  
19 horrible crimes; and  
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21 WHEREAS, the matter of whether Hawaii should also establish  
22 the killing of a person in an especially heinous, atrocious, or  
23 cruel manner, manifesting exceptional depravity, as murder in  
24 the first degree deserves further consideration and study; now,  
25 therefore,  
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27 BE IT RESOLVED by the House of Representatives of the  
28 Twenty-eighth Legislature of the State of Hawaii, Regular  
29 Session of 2015, that there is established a working group to  
30 study, review, and revise the definition of murder in the first  
31 degree; and  
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1 BE IT FURTHER RESOLVED that the members of the working  
2 group shall consist of:

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- 4 (1) Two members of the House of Representatives, to be  
5 appointed by the Speaker of the House of  
6 Representatives;
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- 8 (2) A representative of the Department of the Prosecuting  
9 Attorney of the City and County of Honolulu;
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- 11 (3) A representative of the Department of the Attorney  
12 General; and
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- 14 (4) Two victim advocates, to be appointed by the Speaker  
15 of the House of Representatives; and
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17 BE IT FURTHER RESOLVED that no member of the working group  
18 shall be made subject to Chapter 84, Hawaii Revised Statutes,  
19 solely because of that member's participation as a member of the  
20 working group; and

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22 BE IT FURTHER RESOLVED that prior to the Regular Session of  
23 2016, the working group shall hold no fewer than two meetings,  
24 to be convened and organized by the two members of the working  
25 group who are also members of the House of Representatives; and

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27 BE IT FURTHER RESOLVED that the working group shall submit  
28 its findings and recommendations, including any proposed  
29 legislation, to the Legislature and the chairperson of the House  
30 of Representatives Committee on Judiciary no later than 20 days  
31 prior to the convening of the Regular Session of 2016; and

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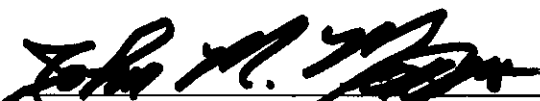

33 BE IT FURTHER RESOLVED that the working group shall cease  
34 to exist on January 1, 2016; and



# H.R. NO. 43

1 BE IT FURTHER RESOLVED that certified copies of this  
2 Resolution be transmitted to the Governor, Attorney General,  
3 Mayor of the City and County of Honolulu, and Prosecuting  
4 Attorney of the City and County of Honolulu.  
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OFFERED BY:

  
  
Paul Abma

MAR 11 2015

